IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Revision No. 433 of 2002
Date of Decision: April 20, 2009

Puran Singh .....Petitioner

Versus

State of Punjab .....Respondent

Coram: Hon'ble Mrs. Justice Sabina

Present: Mr.K.S.Sidhu, Advocate for
Mr.S.P.S.Sidhu,Advocate, for the petitioner.
Mr.Amandeep Singh Rai, Assistant Advocate General, Punjab

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Sabina, J.

Petitioner was convicted under Section 6(1)(a) of the Punjab Excise Act, 1914 (`the Act' for short) vide judgment dated 21.4.2001 by the Chief Judicial Magistrate Moga. Vide order of even date, petitioner was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.2000/-. Aggrieved by the same, petitioner preferred an appeal and the same was dismissed by the Additional Sessions Judge, Moga vide judgment dated 20.2.2002. Hence, the present revision petition.

The brief facts of the case, as noticed by the Appellate Court in para 2 of its judgment, are as under:-

> "In brief, the prosecution story is that on 11.6.1995, ASI Jarnail Singh alongwith other police officials of Excise Staff were present of Akalsar Chowk Moga where the police received the secret information that the accused Puran Singh son of Daman Singh is keeping and selling liquor. If a raid is conducted then liquor in large quantity can be recovered. Secret information was reliable. As such ruqa was sent to the police station on the basis of which formal FIR was registered against the accused. House of the accused was raided and 50 card board boxes each containing 12 bottles of licit liquor mark John Bolt were recovered for which the accused could not produce and permit or licence. A sample nip of 180 ml. from each bottle was taken. The sample nip and remaining liquor in the same bottles were sealed with seal bearing impression JS. The case property including sample nips were taken into police possession vide separate recovery memo attested by the witnesses. Investigation of this case was started and after completion of all the necessary investigation, challan against the accused was presented in the ld. Trial Court."

Learned counsel for the petitioner, during the course of arguments, has not challenged the conviction of the petitioner under Section 61(1)(a) of the Act but has submitted that the sentence qua imprisonment be reduced to already undergone by the petitioner. Learned counsel has further submitted that the petitioner is an old man aged more than 75 years. The alleged occurrence was of the year 1995 and the petitioner has been facing criminal proceedings since then.

Accordingly, keeping in view the submissions made by the learned counsel for the petitioner, it is a fit case where the sentence qua imprisonment is liable to be reduced to already undergone by the petitioner. However, keeping in view the recovery effected from the petitioner, it is a fit case where the sentence of fine is liable to be enhanced.

Hence, the conviction of the petitioner under Section 61(1) (a) of the Act is maintained and the sentence qua the imprisonment of the petitioner is reduced to already undergone by him and sentence qua fine is enhanced from Rs.2000/- to Rs.20,000/-. The amount of enhanced fine be deposited within one month from today failing which the appeal shall stand dismissed.

Petition stands disposed of.

(Sabina)
Judge

April 20, 2009
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